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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
John E. Sims and Dirk E. Smith

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP:

Serial No.: 09/763,498

Docket No.: 0317-US

Filed: May 15, 2001

Examiner: Hamud, F.

For: HUMAN IL-1 EPSILON DNA AND POLYPEPTIDES

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences, claims 21-23, 26, 29, 32, 33, 36-38, 45-48, and 50-58 of the above-identified application. These claims are subject to a final rejection dated August 26, 2003. A petition to extend the time for response to the final rejection by three months is being submitted concurrently herewith, extending the period for response to February 26, 2004.

Pursuant to 37 C.F.R. 1.17(b), please charge the fee of \$330 that is required for the filing of this Notice of Appeal to our Deposit Account No. 09-0089. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

Patricia Anne Perkins
Agent for Applicants
Reg. No. 34,693
Date: February 26, 2004

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